APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,668	02/19/2004	Jos Manuel Accapadi	AUS920031017US1	5255

34533   7590   04/24/2008
INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER
PHAN, TUANKHANH D

ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
04/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment, filed 01/09/2008, has been entered and acknowledged by the

Examiner. Claims 1-16 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 8 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains "the table

capable of supporting many-to-many relationships" which was not clearly described in

the specification in such a way as to reasonably convey to one skilled in the relevant art.

A table a lone cannot be capable of supporting network link or connection protocols to

effectively carry out a network connection.

Response to Arguments

Applicant's arguments filed, 01/09/2008, have been fully considered but they are

not persuasive.

Applicant argues that the references does not teach or suggest the first element

of claim 1 because neither McCanne nor Frerria, alone or in combination, discloses

mapping a domain name of a network host to a DNS network address for a preferred

DNS server as specified by a user. In the present application, the preferred DNS server

is specified by a user as the preferred DNS server for resolving a domain name for a

particular network host. That is, a user prefers a particular DNS server for resolving a

particular host's network address from the host's domain name. That same user may

prefer other DNS servers for resolving domain names for other network hosts. In contrast to the claims in the present application, McCanne has nothing to do with a user specifying various preferred DNS servers, each of which is the DNS server preferred by the user for resolving one or more domain names. McCanne merely discloses resolving a single domain name to one of a set of possible network addresses. McCanne does not disclose that a domain name of a network host is mapped to a network address for a preferred DNS server specified by the user, as claimed here. Likewise, Frerria also does not disclose discloses mapping a domain name of a network host to a network address for a preferred DNS server as specified by a user. In fact, Frerria's DNS redirection service merely discloses redirecting a client's DNS request from one DNS to another--not mapping a network host's domain name to a network address for a preferred DNS server.

The Examiner would like to point out that routing or resolving (as disclosed by references) domain name resolution of a network host to a DNS network address for one or more preferred DNS servers specified by a user is equivalent to mapping a domain name of a network host to a DNS network address for a preferred DNS server as specified by a user. In addition, McCanne and Frerria allow **one or more meaning at least one DNS server is specified by the user**, emphasis added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne (US Pat. 6,785,704) in view of **Frerreia et al. (US Pat. 6,857,009).**

Regarding claims 1, 7 and 13, McCanne discloses a method of DNS routing (abstract), the method comprising:

mapping for a user in a data communications application a domain name of a network host (col. 10, lines 15-20 **hosting facility**) to a DNS network address for a DNS server (col.17, lines 8-18), wherein the DNS server has a host network address for the domain name (at least col. 17, lines 17-40; col. 31, lines 45-60), and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from the user the domain name for a network host having a domain name registered on the preferred DNS server and receiving from the user a network address for the preferred DNS server (col. 17, lines 17-40; col. 19, lines 14-17; col. 31, 55, 60; mapping domain name on the target DNS network address);

receiving from the user a request for access to a resource accessible through the network host (abstract; col. 17, lines 55-60); and

routing to the DNS server a DNS request for the network address of the network host (col. 10, lines 15-20), the DNS request including the domain name of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59 **teaches the routing/redirecting carried out by DNS server that responds to request received**).

While McCanne teaches client triggering a specific connection to specific server (col. 20, lines 30-37), McCanne does not explicitly say a user defined preferred DNS routing server. However, in the same field endeavor of DNS server routing, **Ferreria et**

al. teach user define preferred DNS server (col. 3, lines 30-32 & 52-54 **teaches user specified DNS servers**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user specified DNS server taught by Ferreria et al. into the mapping, routing and receiving taught by McCanne to connect and redirect service with user specific server selection balance server loads for the motivation of relieving network bottleneck and network jam.

Regarding claims 2, 8 and 14, see the discussion of claims 1 and 7 above, Ferreria et al. further teach storing (col. 14, lines 46-52), through the data communication application (col. 14, lines 46-52), the domain name in association with the DNS network address for a preferred DNS server in a data structure in computer memory (col. 14, lines 49-51), the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers (col. 3, lines 30-32 & 52-54; col. 6, lines 55-61 **teaches computer memory device associated with user specified DNS servers; thus a many-to-many relationship is included**).

Regarding claims 3, 9 and 15, see the discussion the method of claims 1, 7 and 13. McCanne further teaches wherein routing a DNS request for the host network address of the network host is carried out by the data communications application (col. 6, lines 51-57).

Regarding claims 4 and 10, McCanne further teaches wherein routing a DNS request for the host network address of the network host is carried out by an operating system (col. 24, lines 31-38 a server is an operating system).

Regarding claims 5 and 11, McCanne further teaches wherein routing a DNS request for the network address of the network host is carried out by a pre-designated DNS server, wherein a predesignated DNS server is a standard DNS server having a network address that is predesignated as a default operating parameter for the data communication application (col. 19 lines 5-27). Ferreria et al. also disclose a predesignated DNS server operating for the data communication application (col. 3, lines 30-32 & 52-54).

Regarding claims 6, 12 and 16, see the discussion of claims 1, 7 and 13 above, McCanne further teaches receiving from the DNS server a DNS response identifying the network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59); and accessing the resource through the host network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP

/don wong/

Supervisory Patent Examiner, Art Unit 2163